

# NE Multispecies Small Mesh Fishery Exemptions



## **Exempted Fisheries**

*An exempted fishery is one that the Regional Administrator has determined will result in a minimal bycatch of regulated multispecies and will not jeopardize fishing mortality objectives. Specifically, the percentage of regulated multispecies bycatch must be less than 5 percent by weight of total catch. For directions on how to request an exempted fishery, see page 7.*

## **Gulf of Maine/Georges Bank (GOM/GB) Regulated Mesh Area:**

The following fisheries have been determined to be consistent with the exemption criteria:

1) Northern Shrimp Fishery & Scallop Dredge Fishery within the Small Mesh Northern Shrimp Exemption Area: as defined by the following coordinates, provided the vessel complies with the specifications listed below.

### **Small Mesh Northern Shrimp Fishery Exemption Area**

<u>N. Latitude</u>	<u>W. Longitude</u>
41°35'	70°00'
41°35'	69°40'
42°49.5'	69°40'
43°12'	69°00'
43°41'	68°00'
43°58'	67°22' (the U.S.-Canada Maritime Boundary)
<u>(1)</u>	<u>(1)</u>

(1) Northward along the irregular U.S.-Canada maritime boundary to the shoreline.

### **Northern Shrimp Fishery Specifications:**

- a) Vessels must have a properly configured and installed finfish excluder device in any net with mesh smaller than the minimum specified size. The finfish excluder device must be configured and installed consistent with the proper specifications.
- b) Vessels may only fish under this exemption during the northern shrimp season, as established by the Atlantic States Marine Fisheries Commission (ASMFC). The northern shrimp season is December 1 through May 30, or as modified by the ASMFC.
- c) In addition to shrimp, the following species may be retained, with the restrictions noted, as allowable bycatch species in the northern shrimp fishery: Longhorn sculpin; silver hake (whiting) up to an amount equal to the weight of shrimp on board, not to exceed 3,500 pounds; and American lobster up to 10 percent by weight of all other species on board up to 100 lobsters for trips of 24 hours or less or 200 lobsters for trips longer than 24 hours, whichever is less (Atlantic States Marine Fisheries Commission rule).

**Note:** Unless fishing exclusively in state waters, to land and possess silver hake and lobsters vessels are required to obtain a Federal permit and adhere to any applicable regulations.

**GOM Scallop Dredge Fishery Specifications:**

- a) Scallop dredge must not exceed 10.5 feet in width, or in combined width if two dredges are used.
- b) The exemption does not apply to the Western Gulf of Maine closure area.
- c) No species other than Atlantic sea scallops may be retained when fishing in this exempted fishery.

2) **Cultivator Shoal Whiting (silver hake) Fishery Exemption Area** as defined by the following coordinates, provided the vessel complies with the specifications listed below.

**Cultivator Shoal Whiting Fishery  
Exemption Area**

<u>N. Latitude</u>	<u>W. Longitude</u>
42°10'	68°10'
41°30'	68°41'
41°30'	68°30'
41°12.8'	68°30'
41°05'	68°20'
41°55'	67°40'
42°10'	68°10'

**Cultivator Shoal Whiting Specifications:**

- a) Vessels fishing in this fishery must have on board an authorizing letter issued by the Regional Administrator. To obtain an authorization, call (978) 281-9278.
- b) Vessels must comply with a minimum mesh size of 3 inches applied to the first 160 meshes counted from the terminus of the net.
- c) Authorized vessels may fish under this exemption during the season of June 15 through September 30, unless otherwise specified by publication of a notification in the Federal Register.
- d) When transiting through the GOM/GB regulated mesh area, nets of mesh smaller than the regulated mesh size must be stowed properly.
- e) Vessels enrolled in the Cultivator Shoal Whiting Exemption Area Fishery may possess up to 30,000 pounds of whiting and offshore hake combined.
- f) In addition to whiting, the following species may be retained, with the restrictions noted, as allowable bycatch species in the Cultivator Shoal whiting fishery exemption area: herring, longhorn sculpin, squid, butterfish and mackerel; red hake, dogfish, monkfish and monkfish parts up to 10 percent by weight of all other species on board; and American lobster up to 10 percent by weight of all other species on board up to 100 lobsters for trips of 24 hours or less or 200 lobsters for trips longer than 24 hours, whichever is less Atlantic States Marine Fisheries Commission rule).

**Note:** Unless fishing exclusively in state waters, to land and possess some of the species listed above, vessels may be required to obtain Federal permits and adhere to any applicable regulation. For information on which species are required to have Federal permits, please call the Fisheries Information line at (978) 281-9278.

3) **Small Mesh Area 1/Small Mesh Area 2 Exemption Areas** as defined by the following coordinates, provided the vessel complies with the specifications listed below.

**Small Mesh Area 1**

<u>N. Latitude</u>	<u>W. Longitude</u>
43°03'	70°27'
42°57'	70°22'
42°47'	70°32'
42°45'	70°29'
42°43'	70°32'
42°44'	70°39'
42°49'	70°43'

42°50'	70°41'
42°53'	70°43'
42°55'	70°40'
42°59'	70°32'
43°03'	70°27'

**Small Mesh Area 2**

<u>N. Latitude</u>	<u>W. Longitude</u>
43°05.6'	69°55.0'
43°10.1'	69°43.3'
42°49.5'	69°40.0'
42°41.5'	69°40.0'
42°36.6'	69°55.0'
43°05.6'	69°55.0'

**Small Mesh Area 1\*/Small Mesh Area 2 Specifications:**

- a) For Small Mesh Area I, the fishing season is July 15 through November 15. For Small Mesh Area 2, the fishing season is January 1 through June 30.

\* Vessel operators are reminded that portions of Small Mesh Area I fall within the state jurisdiction of Massachusetts and New Hampshire. When fishing in state waters, vessel operators are subject to the more restrictive of federal or state regulations. Also, be aware that portions of Small Mesh Area 2 are affected by Inshore Closure Areas and are thus closed during these time periods.

- b) Vessels may fish for, possess on board, or land the following species of fish: Butterfish, dogfish, herring, mackerel, ocean pout, scup, squid, silver hake (whiting) and red hake. In addition, the following species of fish may be retained, with the restrictions noted, as bycatch: Longhorn sculpin; monkfish and monkfish parts up to 10 percent by weight of all other species on board; and American lobster up to 10 percent by weight of all other species on board up to 100 lobsters for trips of 24 hours or less or 200 lobsters for trips longer than 24 hours, whichever is less (Atlantic States Marine Fisheries Commission rule).

**Note:** Unless fishing exclusively in state waters, to land and possess some of the species listed above, vessels may be required to obtain Federal permits and adhere to any applicable regulation. For information on which species are required to have Federal permits, please call the Fisheries Information line at (978) 281-9278.

- c) Trawl vessels are required to use either a raised footrope or an excluder device in their trawl gear when fishing in Small Mesh Area I and II, depending on the species of fish targeted. Vessels are considered to be fishing with a raised footrope if their trawl gear is designed according to the specifications outlined on page 6 of this Information Sheet.

- 4) **Nantucket Shoal Dogfish Fishery Exemption Area** as defined by the following coordinates, provided the vessel complies with the specifications listed below:

**Nantucket Shoal Dogfish Exemption Area**

<u>N. Latitude</u>	<u>W. Longitude</u>
41°45'	70°00'
41°45'	69°20'
41°30'	69°20'
41°30'	69°23'
41°26.5'	69°20'
40°50'	69°20'
40°50'	70°00'
41°45'	70°00'

Nantucket Shoal Dogfish Fishery Exemption Area Specifications:

- a) Vessels fishing in this fishery must have on board an authorizing letter issued by the Regional Administrator. To obtain an authorization, call (978) 281-9278.
- b) Authorized vessels may fish under this exemption during the season of June 1 through October 15.
- c) When transiting the GOM/GB regulated mesh area, nets of mesh smaller than the regulated mesh size must be stowed properly.
- d) In addition to dogfish, the following species may be retained, with the restrictions noted, as allowable bycatch species in the Nantucket Shoal Dogfish Fishery Exemption Area: Longhorn sculpin, up to two standard totes of silver hake (whiting); monkfish and monkfish parts up to 10 percent by weight of all other species on board; American lobster up to 10 percent by weight of all other species on board up to 100 lobsters for trips of 24 hours or less or 200 lobsters for trips longer than 24 hours, whichever is less; and skate or skate parts up to 10 percent by weight of all other species on board.

**Note:** Unless fishing exclusively in state waters, to land and possess some of the species listed above, vessels may be required to obtain Federal permits and adhere to any applicable regulation. For information on which species are required to have Federal permits, please call the Fisheries Information line at (978) 281-9278.

- e) Authorized vessels must comply with any additional gear restrictions specified in the authorization letter issued by the Regional Administrator.

5) Raised Footrope Trawl Exempted Whiting Fishery Area as defined by the following coordinates, provided the vessel complies with the specifications listed below:

**Raised Footrope Trawl Exempted Whiting Fishery Area**

<u>N. Latitude</u>	<u>W. Longitude</u>
42°01.9'	70°14.7'
41°59.45	70°23.65'
42°07.85'	70°30.1'
42°15.05'	70°08.8'
42°08.35'	70°04.05'
42°04.75	70°16.95'
42°01.9'	70°14.7'

Raised Footrope Trawl Exempted Whiting Fishery Area Specifications:

- a) Participating vessels must be issued either a valid limited access Northeast multispecies permit (Categories A through G) or "Open Access Multispecies Permit" (Category K).
- b) Participating vessels must carry a Letter of Authorization issued by the Regional Administrator, valid for a minimum of 7 days. Participating vessels may withdraw from the program no earlier than 7 days from the date of enrollment. Letters of authorization, and withdrawals, may be obtained from the Northeast Region Permit Office at (978) 281-9370.
- c) Participating vessels must use a raised footrope trawl. A description of the raised footrope trawl can be found on page 6 of this Information Sheet.
- d) Vessels participating in this Raised Footrope Trawl Exempted Whiting Fishery are subject to a minimum codend mesh size of 2.5 inches applied as follows:

**Note:** For a vessel less than or equal to 60 feet in length overall, the minimum mesh to retain small mesh multispecies (i.e., 2.5 inches) must be applied to a minimum of the first 50 meshes (100 bars in the case of square mesh) from the terminus of the net. For a vessel greater than 60 feet in length overall, the minimum mesh to retain small mesh multispecies (i.e., 2.5 inches) must be applied to a minimum of the

first 100 meshes (200 bars in the case of square mesh) from the terminus of the net.

- e) The use of liners, codend covers, and/or outside net strengtheners is prohibited when participating in the Raised Footrope Trawl Exempted Whiting Fishery.
- f) Participating vessels may possess, retain and land whiting and offshore hake subject to possession restrictions based on mesh size used. Participating vessels may also possess, retain and land red hake, butterfish, dogfish, herring, mackerel, scup, and squid provided the vessel has been issued necessary federal permits for such species. In addition, participating vessels may only possess up to the allowed possession limit for any allowed species as well as comply with all other existing rules and regulations. Species of fish that are not included above are prohibited from being possessed or landed.

**Note:** Unless fishing exclusively in state waters, to land and possess some of the species listed above, vessels may be required to obtain Federal permits and adhere to any applicable regulation. For information on which species are required to have Federal permits, please call the Fisheries Information line at (978) 281-9278.

- g) Vessels authorized to fish in the Raised Footrope Trawl Exempted Whiting Fishery may fish in the Gulf of Maine Rolling Closure Area V but only in the Raised Footrope Trawl Exempted Whiting Fishery Area. Vessels must properly stow all gear in accordance with the Northeast Multispecies Fishery Management Plan while transiting to and from the exemption area through the closed area.

6) Mid-Water Trawl & Purse Seine Exemption: Vessels using purse seine gear in the GOM/GB regulated mesh area may use mesh smaller than regulated mesh size provided that the vessel: (1) uses purse seine gear exclusively; (2) the vessel fishes for, possesses, or lands Atlantic herring, blueback herring, mackerel, or menhaden; and (3) the vessel is issued a purse seine gear authorization letter by the Regional Administrator. To obtain an authorization, call (978) 281-9278. Vessels using mid-water trawl gear in the GOM/GB regulated mesh area may use mesh smaller than regulated mesh size provided that the vessel: (1) uses mid-water trawl gear exclusively; (2) the vessel fishes for, possesses, or lands Atlantic herring, blueback herring, or mackerel in areas north of 42° 20' N. latitude and Atlantic herring, blueback herring, mackerel, or squid in all other areas south of 42° 20' N. latitude; and (3) the vessel is issued a mid-water trawl gear authorization letter by the Regional Administrator. To obtain an authorization, call (978) 281-9278. In addition, vessels using mid-water trawl gear may engage in mid-water trawling for herring and mackerel in the multispecies closed areas provided that they comply with the conditions and requirements described above.

**Southern New England (SNE) Regulated Mesh Area:**

The following fisheries have been determined to be consistent with the exemption criteria:

1) Vessels may fish with, use, or possess nets of mesh smaller than the minimum size specified in the SNE regulated mesh area when fishing for the SNE exempted species: Butterfish, dogfish (trawl), herring, mackerel, ocean pout, scup, shrimp, squid, summer flounder, silver hake, and weakfish. Or SNE bycatch species: Conger eels, searobins, black sea bass, red hake, tautog (blackfish), blowfish, cunner, John Dory, mullet, bluefish, tilefish, longhorn sculpin, fourspot flounder, alewife, hickory shad, American shad, blueback herring, sea ravens, Atlantic croaker, spot, swordfish, monkfish and monkfish parts-- 10 percent, by weight, of other species on board, American lobster-- up to 10 percent by weight of all other species on board up to 100 lobsters for trips of 24 hours or less or 200 lobsters for trips longer than 24 hours, whichever is less.

**Note:** Unless fishing exclusively in state waters, to land and possess some of the SNE exempted species and bycatch species listed above, vessels may be required to obtain Federal permits and adhere to any applicable regulation. For information on which species are required to have Federal permits, please call the Fisheries Information line at (978) 281-9278.

2) SNE Mussel & Sea Urchin Dredge Exemption Area: A year-round exempted dredge fishery for mussels and sea urchins in the SNE Regulated Mesh Area and Nantucket Shoals dogfish fishery exemption area (defined above) provided the vessel does not fish with dredge gear greater than 8 feet in width and does not fish for, possess, or land any species of fish other than mussels and sea urchins.

3) SNE Little Tunny Gillnet Exempted Fishery as defined below, provided the vessel complies with the specifications listed below.

#### **SNE Little Tunny Exemption Area**

Defined by a line running from the Rhode Island shoreline at 41°18.2' N. latitude and 71°51.5' W. longitude (Watch Hill, RI) southwesterly through Fishers Island, NY; to Race Point, Fishers Island, NY; and from Race Point, Fishers Island, NY, southeasterly to 41°06.5' N. latitude and 71°50.2' W. longitude; east northeast through Block Island, RI, to 41°15' N. latitude and 71°07' W. longitude; then due north to the intersection of the RI-MA shoreline.

#### **SNE Little Tunny Gillnet Exempted Fishery Specifications:**

- a) From September 1 through October 31 an exempted fishery for little tunny may be conducted by vessels using gillnet gear only.
- b) Vessels fishing under this exemption are required to obtain and have on board a little tunny Letter of Authorization (LOA) issued by the Regional Administrator. To obtain an LOA, please call (978) 281-9278.
- c) Vessels fishing under this exemption are restricted to a minimum mesh size of 5.5 inches throughout the net.
- d) Vessels fishing under this exemption may not fish for, harvest, possess, or land any species of fish other than little tunny and the current small mesh exempted and bycatch species listed above in #1 of the SNE Regulated Mesh Area section. In addition, a limited number of vessels may retain Atlantic bonito as an allowable incidental catch species, provided they obtain an Exempted Fishing Permit (EFP) from the Highly Migratory Species Division of the NMFS. To obtain an EFP, please call (978) 281-9260.

#### **Mid-Atlantic (MA) Regulated Mesh Area:**

Vessels fishing in the MA regulated mesh area are exempt from the 5% bycatch criteria specifications and may, therefore, fish in a fishery outside of a DAS, provided that they do not possess or land regulated multispecies finfish.

#### **Raised Footrope Trawl Gear Specifications:**

Vessels fishing in the Raised Footrope Trawl Exempted Whiting Fishery or in Small Mesh Area 1 or Small Mesh Area 2 must configure the trawl gear in such a way that, when towed, the gear is not in contact with the ocean bottom. Vessels are presumed to be fishing in such a manner if their trawl gear is designed as specified below.

#### **Headrope**

Floats with a minimum diameter of eight inches must be attached along the entire length of the headrope with a maximum spacing between each float of four feet.

#### **Ground Gear**

Ground gear must be all bare wire not larger than 1/2-inch in diameter for the top leg, not larger than 5/8-inch in diameter for the bottom leg, and not larger than 3/4-inch in diameter for the ground cables.

The top legs must be at least as long as the bottom legs.

The total length of the ground cables must not be greater than forty fathoms from the doors to the wing ends.

### Footrope

The footrope must be longer than the headrope, but not more than twenty feet longer than the headrope, and must be rigged so that it does not contact the bottom while fishing.

### Drop Chains

Drop chains must be used with or without a chain sweep (see below)

Drop chains must be 42-inches in length or greater.

The maximum size drop chain stock when used with a sweep is 5/16-inch. Drop chains may be a maximum of 3/8-inch stock when no sweep is used.

Only bare chain may be used; cookies or additional weights on the drop chains are prohibited.

Drop chains must be hung from the center of the footrope and each corner (the quarter, or the junction of the bottom wing to the belly at the footrope).

Drop chains must be hung at eight foot intervals along the footrope from the corners to the wing ends.

### Sweep Specifications and Optional Sweepless Trawl

The raised footrope trawl may be used with a chain sweep or without a chain sweep. The sweep, if used, must be rigged in the following manner:

The sweep must be bare chain the same length as the footrope. (Note: The required drop chains at the wing ends of the footrope effectively makes the sweep seven feet longer than the footrope.)

The maximum size of the sweep is 5/16-inch stock chain.

The sweep must be attached to the ends of the drop chains.

The center of the sweep must be attached to the drop chain from the center of the footrope.

The attachment points of each drop chain on the sweep and the footrope must be the same distance from the center drop chain attachments.

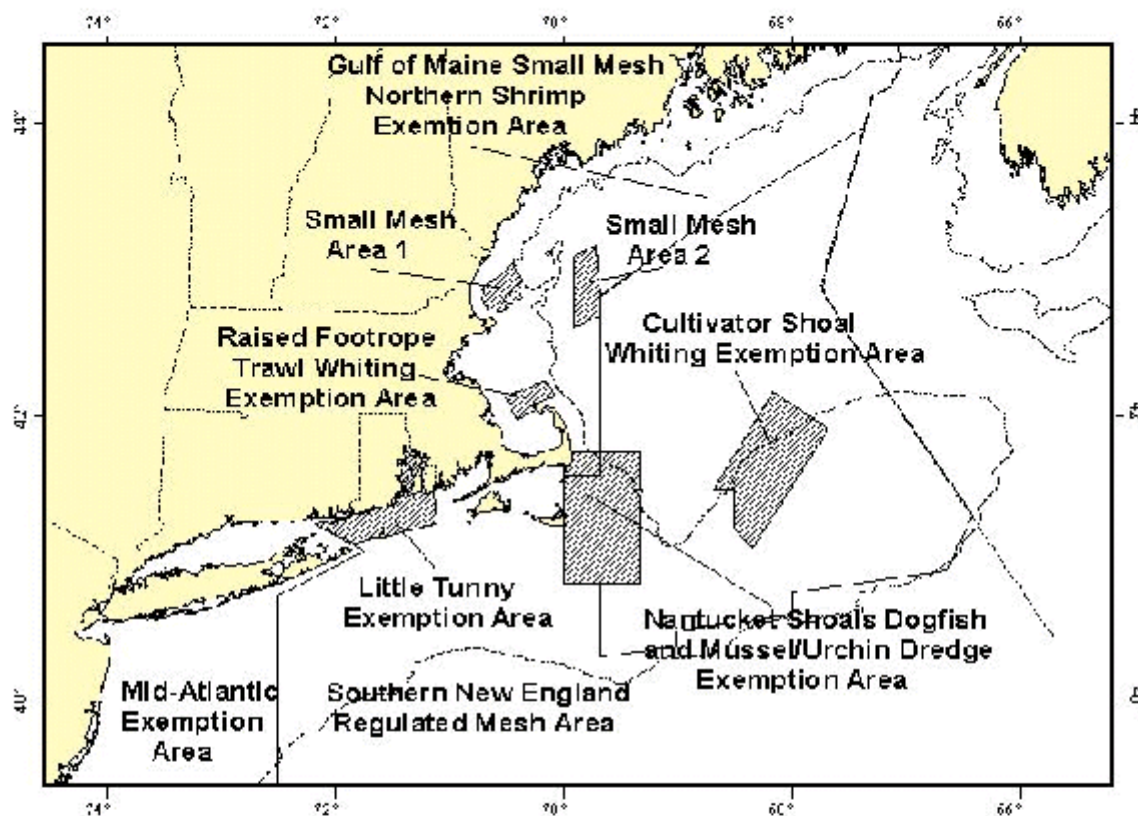
The ends of the sweep must be attached to the drop chains at the end of the footrope.

### **How to Request Fishery Exemptions**

An exempted fishery may be added, deleted or modified pursuant to the procedure described below:

1. Applicants must submit a written request to the Regional Administrator, NMFS, One Blackburn Drive, Gloucester, MA 01930-2298. The request should describe the area in which the fishery would operate, the period in which it would operate, the gear it would use, the approximate number of vessels likely to participate, and the species it would target, retain and land.
2. Those proposing that a fishery should be exempt should describe the fishery and present all information possible that helps determine that the fishery meets the bycatch standard. The Regional Administrator will investigate NMFS data sources, but proposals for exemptions should be complete and clear to facilitate the process. State agencies and universities, for example, may have additional data available and proposers may contact them for assistance.
3. When a request for an exempted fishery is submitted, the request and any accompanying data are reviewed by the Regional Administrator to determine whether such a fishery would meet the exemption qualifying criteria, which are described in the first paragraph of this information sheet. The Regional Administrator will also consult with the New England Fishery Management Council on any exemption requested. This process may take several months to complete.

### NE Multispecies Small Mesh Exemption Areas



This is a simplified summary of the measures in effect under the Northeast Multispecies Fishery Management Plan. This summary has no legal standing. You should also get a copy of the official rules as published in the Federal Register.